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United States District Court
Western District of WisconsinPETER OPPENEER
CLERK US DIST COURT
WD OF WIDONTA JENKINS

(Full name of plaintiff[s])

506847

(Prisoner I.D. Number)

Case No.

16 C 6 4-bb

(Provided by clerk of court)

Plaintiff(s),

Hsu
manager

Hsu manager
 (Dr. SYED); (D. VALERIOUS RN); (NEWBURY RN); (GOWDE RN); (KATHALEN RN)
 (K. DEYOUN ACU); (T. ANDERSON); (WALTERS RN); (MTHORAE); (E. WARNER RN)
 (MICHAEL DITTMAN (WARDEN)); (WEBBER (SECURITY DIRECTOR))
 (Full name of defendant[s])

Hsu
manager

Defendant(s). SUE EACH ABOVE DEFENDENT INDIVIDUALLY
OR IN THEIR OFFICIAL CAPACITY.

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

I. PLACE OF PRESENT CONFINEMENT (Provide full address)

Columbia Correctional Institution 950

2925 Columbia Drive, P.O. Box 950 Portage WI 53901

A. Is there a grievance procedure in your prison/jail? YES ☒ NO ☐

B. Have you filed a grievance concerning the facts relating to this complaint?
YES ☒ NO ☐

C. If you have used the grievance process: SEE Exhibits J, D, G.

1. Describe what you did and the result, if any.

MY COMPLAINT WAS FILED AND APPEALED TO
THE HIGHEST LEVEL (COMPLAINT DISMISSED) EXHAUSTING ALL ADMIN. REMEDIES

2. Is the grievance process completed? YES Complaint # 2016-14507

Exhibits J, D,
G,

2016-11430

2016-13313

D. If you did not use the grievance process, explain why not.

4/07

P:\Forms\42USC1983.Complaint

II. PARTIES

(OTHER COMPLAINTS FILED RELATING TO THIS
MATTER IS LISTED IN THE BODY OF
MY CLAIM.)

Complaint # 2016-11430

Complaint # 2016-13313

TURN - PAGE * 1
OVER

- A. Your name (Plaintiff) DONTA JENKINS
- B. Prisoner I.D. Number # 506847
- C. Your address Columbia Correctional Institution
PO Box 950
Portage WI 53901
(For additional plaintiffs provide the same information in the same format on a separate page.)
- D. DEFENDANT (name) Doctor SYED - K. DEYOUNG NCH Supervisor
DR. SYED, WARDEN M. DITTMAN
at Security Director WEBBER
- E. Additional DEFENDANTS (names and positions):
T. ANDERSON, NURSE - NEWBURY NURSE - KATHALEN-NURSE
D. VALEPIUS, NURSE - WALTERS NURSE - MTHORAE
GOHDE RN Supervisor

III. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court relating to the same facts involved in this action? YES ☐ NO ☒
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ☒ NO ☐
- C. If your answer is YES to either of the above questions, provide the following requested information.

1. Parties to the previous lawsuit

Plaintiff(s): DONTA JENKINS

Defendant(s): Dr. Frisch (psychologist) Dr. NORGE (psych)
Dr. HUNKE (psych-supervisor) Dr. LUNDEEN (psychiatrist)

2. Date filed 10-9-2016

3. Court where case filed (if federal court, name district; if state court, name the

county) WESTERN District Court

4. Case number and citation PENDING - NO CASE NUMBER AT THIS POINT
5. Basic claim made LACK OF MENTAL HEALTH TREATMENT
EIGHT AMENDMENT VIOLATION - DELIBERATE INDIFFERENCE
6. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING
7. If resolved, date of disposition PENDING
8. If resolved, state whether for PENDING
(Plaintiff or Defendant)

(For additional cases, provide the above information in the same format on a separate page.)

IV. STATEMENT OF CLAIM

- A. State as briefly as possible the facts of your case. Describe how each named defendant is involved. Include the names of other persons involved, dates, and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

I'm filling This 1983 Civil Rights complaint because
Columbia Correctional Institution, Medical officials, AND STAFF
Violated my Eight Amendment right of the United States
Constitution, when they acted with Deliberate Indifference
To my serious Medical Need.

At This point I would like to makes the courts Aware
That I had an "Orthopedic Surgery" on my right Shoulder back
in October 14, 2014. To repair a Laberal Tear. and I've been
receiving on going Medical Treatment from UW Madison Hospital,
AND other prisons every since my Surgery. SEE (Medical File)
(Motion for Discovery)

STATEMENT OF CLAIM continued

I also would like to let the courts know that all the listed defendants in this claim. was aware that I had a serious medical need, that required on going medical treatment. in the form of physical therapy, cortizone injection, and pain medication. All of the listed defendants acted with deliberate indifference when they all or in part "ignored my request for treatment," "failed to respond appropriately to my chronic and serious pain," and when they intentionally "delayed" medical treatment to me. which all will be proven by the attached evidence labeled as exhibits

The following paragraphs is a detailed account of my complaints of pain and request for adequate medical care. as well as the listed defendants refusing, ignoring and delaying medical care. which resulted in further injury in my right shoulder, ~~and my back~~ and continued chronic pain in both my shoulder and back.

① ON 4-26-2016, I submitted a health service request about my right shoulder being in pain and my back being in pain. ON 4-28-2016, I was seen by Dr. Syed, and Doctor Syed ordered medication and treatment to address my serious medical needs. (NAPROXEN, physical therapy and cortizone "injection") was ordered.

HOWEVER, I NEVER RECEIVED ANY OF THE DOCTORS ORDERS, WHICH CONSTITUTE AS LACK OF ADEQUATE MEDICAL CARE. THE ATTACHED EVIDENCE LABELED AS (EXHIBITS) WILL SHOW THAT I WENT MONTHS WITHOUT MEDICATION, THERAPY OR MEDICAL TREATMENT. WHICH CAUSE FURTHER PAIN AND INJURY.

STATEMENT OF CLAIM CONTINUED.

② ON 5-2-2016, I submitted A follow up Health Service request (HSR) To report my Pain and ask about my scheduled appointments, cause I was in Pain.

ON 5-4-2016, I received "responses" from Nurse Kathleen RN. and "MThorae" who is not a nurse?, stating my steroid injection - (cortizone) for my right shoulder ~~has~~ BEEN scheduled soon.

SEE ATTACHED pink slips (HSRs) marked AS Exhibit → A *

- Still NO medication, physical therapy or cortizone injection given.

③ ON 5-23-2016 and 5-26-2016, I submitted more Health Service request (HSR) reporting my chronic Right shoulder and back pain, and NOT receiving medication or medical treatment to treat my serious medical needs. D. VALERIUS RN. and T. ANDERSON RN. responded stating Doctor and RN. appointments scheduled.

SEE ATTACHED pink slips marked AS Exhibit → B *

- Still NO medication, physical therapy or cortizone injection given.

ON 5-23-2016, 5-31-2016 and 6-3-2016 I was seen by Dr. SYED for a hunger strike assessment, which I was on for a stand cause I was not receiving adequate medical care.

* During my hunger strike assessment visit with Dr. SYED, I spoke of my chronic pain and risk of further injury. Dr. SYED did nothing at all to address my serious medical need.

(SEE MEDICAL file) (discovery)

- Still NO medication, physical therapy or cortizone injection given.

④ * At this point, I would like to inform the courts that I tried to file an inmate complaint with the prison (inmate complaint review system) (ICRS) THE (ICRS) keep "returning" my complaint. ~~complaint~~ ~~was~~

SEE original complaint attached marked AS Exhibit - C *

Also I filed a I.C.E. on Mary LEISER for not filling my complaints. Complaint number # 2016-13715.

⑤ After several attempts of trying to file an I.C.E., my first complaint was accepted on 6-02-2016 (lower back) lack of medical treatment Complaint number # 2016-11430 I also appealed this complaint to the highest level.

- RN WARNER states I was ordered Naproxen on 5-23-2016 but I never received ~~that~~ medication. or any other doctor orders

SEE attached complaint report. marked AS Exhibit → D *

NOTE:

Also; Documents in my medical file will show that no medical treatment has been given to me. But I've seen the Dr. several times?

At This point I would like To make The courts AWARE That I still haven't recieved any Medications. and All The listed Defendants was AWARE That I had SERIOUS MEDICAL NEEDS.

ON 6-19-2016 I submitted A Health service request (HSR) which nurse Trish ANDERSON responded To. First RN T. ANDERSON SAID All prescribed interventions in place/on unit. "NOT TRUE"

I Also submitted A (HSR) ON 6-19-2016 To K. DEYOUNG NCH Medical Supervisor complaining my papers missing out of my FILE.

RN T. ANDERSON Also responded To That (HSR) - SEE ATTACHED response

ON 6-22-2016 I TRIED To submit Another Health service request (HSR) To The Medical Supervisor K. DEYOUNG NCH and Again RN Trish ANDERSON RESPONDED.

Saying Dr. SYED Addressed during last 2 Appointments. "NOT TRUE" (SEE MEDICAL file Dr. notes & Dr. orders) RN. T. ANDERSON also stated That all intervention are "either" in place or They are Awaiting central pharmacy staff (CPS) To Deliver meds. which Contridicts her previous response. first she SAIDS MEDS in place on unit, Then she SAID waiting Delivery from (CPS).

SEE Attached responses marked As Exhibits

I still haven't recieved Medication, Therapy, or Cortizone Injection

ON 6-24-2016, I wrote To K. Deyoung (Supervisor) and she responded That I've been seen by physical Therapy. "NOT TRUE"

my medical file will "prove" That I haven't seen By physical Therapy since Feburary 2016. AND I still haven't recieved any Medication.

ON 6-24-2016 my Inmate complaint was finally Accepted after being returned SEVERAL TIMES. I TRIED To file A complaint in This prison about not receiving my Doctors ordered Medication back on 5-22-2016, but my complaint keep getting returned. SEE original Attached complaint. Finally ON 6-24-2016 my complaint was Accepted. AND It Took almost 3 months until It was Decided (9-15-2016) I Also Appealed That complaint. Complaint number # 2016-13313

SEE Attached complaint marked As Exhibit

ON 6-25-2016 I Again submitted A (HSR) Attempting To contact Medical Supervisor K. DEYOUNG NCH, This Time RN. NEWBURY responded "Truthfully". STATING my MEDS are ordered and will be sent To The unit when They come. RN NEWBURY Also STATE They are waiting for MEDS To come from central pharmacy. which proves That All of my above Accounts about "Not" receiving Medication is TRUE. (SEE ATTACHED response) MARKED AS Exhibit

NOTE: RN T. ANDERSON SAID MY MEDS was in place ON UNIT

(LIE)

STATEMENT OF CLAIM CONTINUED

At This point, I would like to make it clear to the courts that I still haven't received any medication or medical treatment to address my serious medical need.

No medication, no physical therapy and no cortizone injection. As a result of not receiving medical treatment for my serious medical issue. My condition got worse and I remained in serious pain.

On 6-30-2016, I submitted 2 Health service request ~~one~~ one to nursing staff and one to the medical supervisor reporting my pain. RN D. Valerius responded to both.

Please see attached response marked as Exhibit I. Also see attached response from RN D. Valerius 7/6/2016.

At this point I'd like to let the courts know that it's been 2 months since I was first seen for my right shoulder and back pain.

4-28-2016 to 6-30-2016, not only is staff intentionally delaying medical treatment, but it is proven that the listed medical staff has refused to provide me adequate medical care.

Yes I was seen by a doctor, and yes naproxen, physical therapy, and a cortizone injection was ordered. But I didn't receive any of the above doctor's orders. And all the listed medical staff was aware of my serious medical need, chronic pain and risk to further injury. Also see Exhibit I.

After several attempts to file a inmate complaint, my complaint about not receiving proper treatment for my right shoulder was finally accepted and filed 7-8-2016.

SEE attached complaint marked as Exhibit J.

On 7-11-2016 naproxen was provided, finally. After my inmate complaint was finally accepted.

but still not physical therapy or cortizone injection given.

On 7-24-2016 and 7-26-2016 I submitted more (HSR) to report my pain I received a response from RN Newbury.

SEE attached response Exhibit K.

On 7-25-2016 I was seen by the physical therapist, he asked me a few questions took some range of motion measurement and that was it. No response given to me or no follow-up done?

(SEE medical file) (Discovery)

PLEASE BE-AWARE that after my complaint was finally accepted after several attempts then prison officials tried to put all orders in place, but still failed to provide on going treatment my medical need required.

PAGE #7

PLEASE READ
TO CAREFULLY TO
UNDERSTAND THE
CORRUPTION & ATTEMPT
TO COVER-UP THIS
BY PRISON STAFF

Statement of claim CONTINUED

ON 8-2-2016 I RECEIVED A RESPONSE FROM K. DEYOUNG LISTING DATES TO SUPPORT ACCOUNTS IN MY CLAIM. AND I'D LIKE TO NOTE THAT I STILL HAVE NOT RECEIVED A CORTIZONE INJECTION FOR MY CHRONIC PAIN. 7-11-2016 NAPROXEN WAS GIVEN AND 7-25-2016, I SEEN THE PHYSICAL THERAPIST ONCE, BUT NO RESPONSE OR FOLLOW-UP VIST SET TO ADDRESS MY SERIOUS MEDICAL ISSUE.

AT THIS POINT IT SHOULD BE NOTE THAT I WENT 3 MONTHS IN SERIOUS PAIN AND IT WASNT TO AFTER I FILED MY COMPLAINT THAT NAPROXEN WAS PROVIDED AND SOMEONE FROM (PT) CAME TO SEE ME. BUT STILL NO CORTIZONE INJECTION GIVEN.

* ON 8-16-2016 I RECEIVED A RESPONSE FROM RN T. ANDERSON ACKNOWLEDGING THE "FACT" THAT I HAVE CHRONIC PAIN.

WHICH SHOWS & PROVE THAT COLUMBIA CORRECTIONAL INSTITUTION MEDICAL OFFICIALS WAS AWARE OF MY "CHRONIC PAIN" AND SERIOUS MEDICAL NEED. WHICH REQUIRED TREATMENT.

SEE ATTACHED RESPONSES EXHIBIT → L *

* DUE TO THE LACK OF MEDICAL CARE, MY RIGHT SHOULDER INJURY GREW TO BECOME WORSE. IT GOT TO A POINT WHERE I COULDN'T DO EVEN DAILY FUNCTIONS WITHOUT BEING IN SERIOUS PAIN.

ON 8-23-2016 I SUBMITTED A HEALTH SERVICE REQUEST ONLY TO RECEIVE A RESPONSE FROM RN WALTERS. SAYING THE SAME THING I HEARD COUNTLESS TIMES FROM SEVERAL DIFFERENT NURSES.

CORTIZONE INJECTION SCHEDULED. SEE ATTACHED RESPONSE EXHIBIT → M *

ON 9-4-2016 I WROTE THE MEDICAL SUPERVISOR CAUSE I GREW TIRED OF (CCI) MEDICAL STAFF LYING TO ME, AND FAILING TO TREAT THE SERIOUS CHRONIC PAIN IN MY RIGHT SHOULDER.

AGAIN THE MEDICAL SUPERVISOR (HSM GOWBE RN.) REFUSED TO RESPOND AND INSTEAD MTHORAE WHO IS A NON-MEDICAL OFFICAL.

RESPONDED TO MY (HSR) SAYING THEY "DONT HAVE A DOCTOR" MY APPOINTMENT SCHEDULED AND TO BE PATIENT. CORTIZONE INJECTION SCHEDULED SOON? 9/8/2016

SEE ATTACHED RESPONSE MARKED AS EXHIBIT → N

I ALSO SUBMITTED (HSR'S) AND RECEIVED THE SAME RESPONSES

~~FROM~~ FROM RN. VALERIUS. SEE ATTACHED AS WELL EXHIBIT → N *

3 CORTIZONE INJECTION SCHEDULED?

AT THIS POINT I'D LIKE TO MAKE THE COURTS AWARE THAT I HAVE BEEN PATIENT. I'VE BEEN PATIENTLY WAITING, IN SERIOUS PAIN FOR ADEQUATE MEDICAL TREATMENT. AND TO THIS DAY, I'M STILL IN SERIOUS PAIN AWAITING ADEQUATE MEDICAL TREATMENT. (REDACTED)

I'VE ALSO ATTEMPTED TO CONTACT SECURITY DIRECTOR WEBBER AND WARDEN MICHAEL DITTMAN TO ADDRESS THE ACTIONS TAKEN BY (CCI) MEDICAL OFFICIALS. (END OF CLAIM)

B. State briefly your LEGAL THEORY or Cite Appropriate Authority

At this point I would like to make the courts aware that I don't know much about the law and I'm not a lawyer, but I do know that I have a right to adequate medical care, under the Eight Amendment of the Constitution of the United States.

ESTELLE V. GAMBLE, 429 U.S. 97 (1976)

I also would like to make the courts aware of my ~~serious~~ serious medical need. (right shoulder injury and back pain), and I have contacted and notified the medical officials here in Columbia Correctional Institution. over 2 dozen times, thus making them aware of my chronic and serious pain, and worsening condition.

All of the listed defendants showed deliberate indifference to my serious medical need. and as a result of their deliberate indifference I suffered pain and further injury.

*

I also would like to make the courts aware of my attempts to contact an outside source to report the lack of medical treatment here in Columbia Correctional Institution.

On 8-7-2016 I wrote a to whom it may concern letter to the State of Wisconsin - Department of Health Services. And I received a response from Beth Dodsworth.

SEE ATTACHED LETTER and response marked as Exhibit

0 *

All the listed defendants, "All or in part" violated my constitutional rights under the Eight Amendment. When they acted with deliberate indifference to my serious medical need, which they all knew about, thus causing me further pain and injury.

ESTELLE, 429 U.S. at 104; Jett v. Penner, 439 F.3d, 1091, 1096 (9th Cir. 2006).

ESTELLE, 429 U.S. at 104; Gutierrez v. Peters, 11 F.3d 1364, 1369 (7th Cir. 1997)

I also would like to sue the listed defendants for their actions taken ~~under~~ "under color of state law"

Finally, the evidence I've submitted with this claim, marked as exhibits support the facts in my case. Thus proving that all the listed defendants known as prison officials, violated the Eight Amendment, when they "All or in part" acted with deliberate indifference to my serious medical need. For this reason, I ask that the courts grant summary judgment in my favor, and any motions to dismiss my case be denied

PAGE#9

V. RELIEF YOU REQUEST

State briefly and exactly what you want the court to do for you. Make no legal arguments. Do not use this space to state the facts of your claim. Use it only to request remedies for the injuries you complain about.

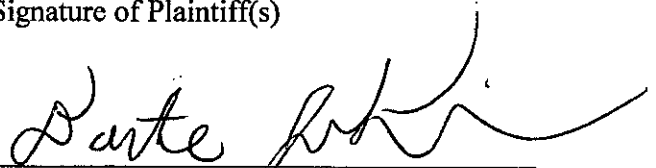
I would like to ask the court for relief against each defendant individually, and in his or her official capacity.

- + I would like, "Compensatory Damages" in the amount of 400,000.00
- + I would like, "Punitive Damages" in the amount of 200,000.00
- + I would like an "Injunction" - ordering the prison officials to give me adequate medical treatment on my right shoulder and lower back.
- + I would like a "Jury Trial" on all issues triable by jury.
- + And finally, any additional relief this court deems necessary just.

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 14 day of October, 2016.

Signature of Plaintiff(s)



(If there are multiple plaintiffs, each must sign the complaint)

Prisoner I.D. Number(s) # 506847